

Express Mail Label No. \_\_\_\_\_

Dated: \_\_\_\_\_

Docket No.: 09857/0202272-US0  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Toshiyoshi Fujiwara et al.

Application No.: 10/520,901 ✓

Confirmation No.: 2780

Filed: January 7, 2005

Art Unit: N/A

For: ONCOLYTIC VIRUS REPLICATING  
SELECTIVELY IN TUMOR CELLS

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS  
FOR PATENT APPLICATION CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

MS Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, dated July 29, 2005. Applicants are submitting their response herewith within the two-month response period set to expire on September 29, 2005.

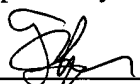
The U.S. Patent and Trademark Office has taken the position that the previous "Sequence Listing" in computer readable form did not comply with the requirements of Section 1.824 for the stated reason that it contained several raw sequence listing errors. However, we noticed that the copy of the Sequence Listing attached to the above-mentioned notice is different from the one we previously submitted in response to the Notice to Comply with Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, dated May 17, 2005. A copy of the documents submitted on June 29, 2005 is enclosed.

Resubmitted herewith in connection with the above-referenced patent application is a substitute, computer readable copy of the Sequence Listing that corrects the defects noted in the raw sequence listing. This is the same copy of the Sequence Listing submitted on June 29, 2005. No new matter has been added to the substitute Sequence Listing.

Applicants respectfully request the above-referenced patent application be placed upon the files for examination.

Dated: August 23, 2005

Respectfully submitted,

By  *Fern Bannan*  
(53,970)

Chris T. Mizumoto

Registration No.: 42,899

DARBY & DARBY P.C.

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(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant





UNITED STATES PATENT AND TRADEMARK OFFICE

C.T. Mizumoto

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/520,901	FIRST NAMED APPLICANT Toshiyoshi Fujiwara	ATTY. DOCKET NO. 09857/0202272-USO
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INTERNATIONAL APPLICATION NO. PCT/JP03/08573
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I.A. FILING DATE 07/07/2003	PRIORITY DATE 07/08/2002
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7278

DARBY & DARBY P.C.

P. O. BOX 5257

NEW YORK, NY 10150-5257

DUE: Sept. 29, 2005

Docketed on 8/3/05 by L19 for

Docketed without file ☐

Attorney \_\_\_\_\_

CONFIRMATION NO. 2780

371 FORMALITIES LETTER



\*OC00000016650574\*

Date Mailed: 07/29/2005

2/28/06

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO. 10/520,901	INTERNATIONAL APPLICATION NO. PCT/JP03/08573	ATTY. DOCKET NO. 09857/0202272-US0
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FORM PCT/DO/EO/922 (371 Formalities Notice)

5620

**STIC Biotechnology Systems Branch**

**RAW SEQUENCE LISTING**  
**ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/520,901  
Source: PUT/10  
Date Processed by STIC: 1/24/05

**THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.**

**PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:**

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,**
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY**

**FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221**

**TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.2.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:**

**<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>**

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)**
- 2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**
- 3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):  
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314**

Revised 01/24/05

*Mail this report with the notice.*

**Winston Aburade  
National Stage Processing  
Patent Specialist  
(703) 305-6421**

### Raw Sequence Listing Error Summary

### SUGGESTED CORRECTION

SERIAL NUMBER: 10/520,901

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1** \_\_\_\_\_ **Wrapped Nucleics  
Wrapped Aminos** The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."

**2** \_\_\_\_\_ **Invalid Line Length** The rules require that a line not exceed 72 characters in length. This includes white spaces.

**3** \_\_\_\_\_ **Misaligned Amino  
Numbering** The numbering under each 5<sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.

**4** \_\_\_\_\_ **Non-ASCII** The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.

**5** \_\_\_\_\_ **Variable Length** Sequence(s) \_\_\_\_\_ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.

**6** \_\_\_\_\_ **PatentIn 2.0  
"bug"** A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) \_\_\_\_\_. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.

**7** \_\_\_\_\_ **Skipped Sequences  
(OLD RULES)** Sequence(s) \_\_\_\_\_ missing. If intentional, please insert the following lines for each skipped sequence:  
(2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
(i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)  
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)  
This sequence is intentionally skipped  
  
Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.

**8** \_\_\_\_\_ **Skipped Sequences  
(NEW RULES)** Sequence(s) \_\_\_\_\_ missing. If intentional, please insert the following lines for each skipped sequence.  
<210> sequence id number  
<400> sequence id number  
000

**9** \_\_\_\_\_ **Use of n's or Xaa's  
(NEW RULES)** Use of n's and/or Xaa's have been detected in the Sequence Listing.  
Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.  
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.

**10** \_\_\_\_\_ **Invalid <213>  
Response** Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or is Artificial Sequence

**11** \_\_\_\_\_ **Use of <220>** Sequence(s) \_\_\_\_\_ missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.  
(See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)

**12** \_\_\_\_\_ **PatentIn 2.0  
"bug"** Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.

**13** \_\_\_\_\_ **Misuse of n/Xaa** "n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid



PCT

## RAW SEQUENCE LISTING

DATE: 01/24/2005

PATENT APPLICATION: US/10/520,901

TIME: 10:01:10

Input Set : A:\PTO.YF.txt

Output Set: N:\CRF4\01242005\J520901.raw

2 <110> APPLICANT: KANSAI TLO  
 W--> 3 <120> TITLE OF INVENTION: Selective Replication of Tumor-specific Replication-competent Adenovirus

W--> 4 on Tumor Cells

W--> 5 <130> FILE REFERENCE: 42002JP

W--> 6 <140> CURRENT APPLICATION NUMBER: 10/520,901

7 <141> CURRENT FILING DATE: 2005-01-07

W--> 8 <160> NUMBER OF SEQ ID: 8

9 <170> SOFTWARE: PatentIn Ver. 2.1

11 <210> SEQ ID NO: 1

12 <211> LENGTH: 899

13 <212> TYPE: DNA

14 <213> ORGANISM: 293 cell

W--> 15 <400> SEQUENCE: 1

16 acaccgggac tgaaaatgag acatattatc tgccacggag gtgttattac cgaagaaatg  
 17 gccgccagtc ttttgacca gctgatcgaa gaggtactgg ctgataatct tccacctcct  
 18 agccattttg aaccacctac ccttcacgaa ctgtatgatt tagacgtgac ggcccccgaa  
 19 gatcccaacg aggaggcggg ttccgcagatt tttcccgact ctgtaatgtt ggcggtgcag  
 20 gaagggattg acttactcac ttttccgcgc gcgcccggtt ctccggagcc gcctcacctt  
 21 tcccggcagc ccgagcagcc ggagcagaga gccttgggtc cggtttctat gccaaacctt  
 22 gtaccggagg tgatcgatct tacctgccac gaggtctggt ttcaccacag tgacgacgag  
 23 gatgaagagg gtgaggagtt tgtgttagat tatgtggagc accccgggca cggttgcagg  
 24 tcttgtcatt atcaccggag gaatacgggg gaccagata ttatgtgttc gctttgctat  
 25 atgaggacct gtggcatgtt tgtctacagt cctgtgtctg aacctgagcc tgagcccgag  
 26 ccagaaccgg agcctgcaag acctaccgc cgtcctaaaa tggcgccctgc tatectgaga  
 27 cgcccgacat cacctgtgtc tagagaatgc aatagtagta cggatagctg tgactccggt  
 28 ccttctaaca cacctcctga gatacaccgc gtggtcccgc tgtgccccat taaaccagtt  
 29 gccgtgagag ttggtgggcg tcgccaggt gtggaatgta tcgaggactt gcttaacgag  
 30 cctgggcaac ctttggaact gagctgtaaa cgccccaggc cataaggtgt aaacctgtg

32 <210> SEQ ID NO: 2

33 <211> LENGTH: 1823

34 <212> TYPE: DNA

35 <213> ORGANISM: 293 cell

W--> 36 <400> SEQUENCE: 2

37 ctgacctcat ggaggcttgg gagtgtttgg aagatttttc tgctgtgcgt aacttgctgg  
 38 aacagagctc taacagtacc tcttggtttt ggagggtttc gtggggctca tcccaggcaa  
 39 agttagtctg cagaattaag gaggattaca agtggaatt tgaagagctt ttgaaatcct  
 40 gtggtgagct gtttgattct ttgaatctgg gtcaccaggc gcttttccaa gagaaggtca  
 41 tcaagacttt ggatttttcc acaccggggc gcgctgcggc tgctgttgc tttttgagtt  
 42 ttataaagga taaatggagc gaagaaacct atctgagcgg ggggtacctg ctggattttc  
 43 tggccatgca tctgtggaga gcggttgtga gacacaagaa tcgctgcta ctgttgtctt  
 44 ccgtccgccc ggcgataata ccgacggagg agcagcagca gcagcaggag gaagccaggc  
 45 ggccggcgga ggagcagagc ccatggaacc cgagagccgg cctggaccct cggaatgaa  
 46 tgttgtacag gtggtgaac tgtatccaga actgagacgc attttgacaa ttacagagga

ppr 1-4  
 Does Not Comply  
 Corrected Diskette Needed

invalid response - see item 10 on Error Summary Sheet

60  
120  
180  
240  
300  
360  
420  
480  
540  
600  
660  
720  
780  
840  
899

please align your cumulative totals Per 1.822 of sequencer Rules, the totals are aligned at right margin

60  
120  
180  
240  
300  
360  
420  
480  
540  
600

please align

1/24/05



RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/520,901

DATE: 01/24/2005

TIME: 10:01:10

Input Set : A:\PTO.YF.txt

Output Set : N:\CRF4\01242005\J520901.raw

```

47 tgggcagggg ctaaaggggg taaagagga gcggggggct tgtgaggcta cagaggaggc
48 taggaatcta gcttttagct taatgaccag acaccgtcct gagtgtatta cttttcaaca
49 gatcaaggat aattgcgcta atgagcttga tctgctggcg cagaagtatt ccatagagca
50 gctgaccact tactggctgc agccagggga tgattttgag gaggctatta gggatatatgc
51 aaaggtggca cttaggccag attgcaagta caagatcagc aaacttgtaa atatcaggaa
52 ttgttgctac atttctggga acggggccga ggtggagata gatacggagg atagggtggc
53 ctttagatgt agcatgataa atatgtggcc gggggtgctt ggcatggacg ggtggttat
54 tatgaatgta aggtttactg gcccgaattt tagcggtagc gttttcctgg ccaataccaa
55 ccttatecta cacggtgtaa gcttctatgg gttaaacaat acctgtgtgg aagcctggac
56 cgatgtaagg gttcggggct gtgcctttta ctgctgctgg aagggggtgg tgtgctgccc
57 caaaagcagg gcttcaatta agaaatgcct ctttgaaagg tgtaccttgg gtatcctgtc
58 tgagggtaac tccagggtgc gccacaatgt ggcctccgac tgtggttgc tcatgctagt
59 gaaaagcgtg gctgtgatta agcataacat ggtatgtggc aactgcgagg acagggcctc
60 tcagatgctg acctgctcgg acggcaactg tcacctgctg aagaccattc acgtagccag
61 ccactctcgc aaggcctggc cagtgtttga gcataacata ctgaccgct gttccttgca
62 tttgggtaac aggagggggg tgttcctacc ttaccaatgc aatttgagtc actaagat
63 attgcttgag cccgagagca tgtccaaggt gaacctgaac ggggtgtttg acatgaccat
64 gaagatctgg aaggtgctga ggtacgatga gaccgcacc aggtgcagac cctgcgagtg
65 tggcggtaaa catattagga accagcctgt gatgctggat gtgaccgagg agctgaggcc
66 cgatcacttg gtgctggcct gcaccgcgc tgagtttggc tctagcgatg aagatacaga
67 ttgaggtact gaaatgtgtg ggc

```

660

720

780

840

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960

1020

1080

1140

1200

1260

1320

1380

1440

1500

1560

1620

1680

1740

1800

1823

69 &lt;210&gt; SEQ ID NO: 3

70 &lt;211&gt; LENGTH: 605

71 &lt;212&gt; TYPE: DNA

72 &lt;213&gt; ORGANISM: 293 cell

W--&gt; 73 &lt;400&gt; SEQUENCE: 3

```

74 tgcattctagg ggggccaatt cgcacctctt cctccccccc cccctaactg tactggccga
75 agccgcttgg aataaggccg gtgtgcgttt gtctatatgt gattttccac catattgccg
76 tcttttgga atgtgaggc cggaaacct ggcctgtct tcttgacgag cattcctagg
77 ggtctttccc ctctcgcaa aggaatgcaa ggtctgttga atgtcgtgaa ggaagcagtt
78 cctctggaag cttcttgaag acaaacaacg tctgtagcga ccttttgag gcagcggaac
79 cccccacctg ggcacaggtg cctctgcggc caaaagccac gtgtataaga tacacctgca
80 aaggcggcac aaccccagtg ccacgttgtg agttggatag ttgtggaaag agtcaaattg
81 ctctcctcaa gegtattcaa caaggggctg aaggatgccc agaaggtacc ccattgtatg
82 ggatctgac tggggcctcg gtgcacatgc tttacatgtg tttagtcgag gttaaaaaaa
83 cgtctaggcc cccgaacca cggggacgtg gttttccttt gaaaaaacacg atgataagct
84 tgcca

```

60

120

180

240

300

360

420

480

540

600

605

86 &lt;210&gt; SEQ ID NO: 4

87 &lt;211&gt; LENGTH: 455

88 &lt;212&gt; TYPE: DNA

89 &lt;213&gt; ORGANISM: 293 cell

W--&gt; 90 &lt;400&gt; SEQUENCE: 4

```

91 tggccctcc ctgggttac cccacagcct aggcgattc gacctctctc cgctggggcc
92 ctgctggcg tccctgcacc ctgggagcgc gagcggcgcg cgggcgggga agcgcggccc
93 agacccccgg gtccgcccgg agcagctgcg ctgctggggc caggcggggc tcccagtgga
94 ttcgcgggca cagacgcca ggaccgcgt ccccagtggt cggagggaact ggggacccgg
95 gcaccgctc tgccccttca ccttcagct ccgctcctc cgcgcggacc ccgcccgtc
96 ccgaccctc ccgggtcccc ggcccagccc cctccggggc ctcacagccc ctccccttc
97 tttccgcggc ccgcccctc cctcgcggcg cgagtttcag gcagcgtgc gtccgtctgc

```

60

120

180

240

300

360

420

## RA... SEQUENCE LISTING

PAT... APPLICATION: US/10/520,901

DATE: 01/24/2005

TIME: 10:01:10

Input Set : A:\PTO.YF.txt

Output Set: N:\CRF4\01242005\J520901.raw

```
98 gcacgtggga agccctggcc ccggccaccc ccgcg
100 <210> SEQ ID NO: 5
101 <211> LENGTH: 20
102 <212> TYPE: DNA
103 <213> ORGANISM: 293 cell
W--> 104 <400> SEQUENCE: 5
105 acaccgggac tgaaaatgag
107 <210> SEQ ID NO: 6
108 <211> LENGTH: 21
109 <212> TYPE: DNA
110 <213> ORGANISM: 293 cell
W--> 111 <400> SEQUENCE: 6
112 cacaggttta caccttatgg c
114 <210> SEQ ID NO: 7
115 <211> LENGTH: 20
116 <212> TYPE: DNA
117 <213> ORGANISM: 293 cell
W--> 118 <400> SEQUENCE: 7
119 ctgacctcat ggaggcttgg
121 <210> SEQ ID NO: 8
122 <211> LENGTH: 21
123 <212> TYPE: DNA
124 <213> ORGANISM: 293 cell
W--> 125 <400> SEQUENCE: 8
126 gccacacat ttcagtacct c
```

455

20

21

20

21

RAW REFERENCE LISTING ERROR SUMMARY  
PATENT APPLICATION: US/10/520,901

DATE: 01/24/2005  
TIME: 10:01:11

Input Set : A:\PTO.YF.txt  
Output Set: N:\CRF4\01242005\J520901.raw

*FYI*  
Invalid Line Length:

The rules require that a line not exceed 72 characters in length. This includes spaces.

Seq#:1; Line(s) 3  
Seq#:2; Line(s) 37,38,39,40,41,42,43,46,48,49,50,53,54,55,56,57,58,61,62,63  
Seq#:2; Line(s) 66  
Seq#:3; Line(s) 74,75,76,77,81,82,83  
Seq#:4; Line(s) 91,95,97

## VERIFICATION SUMMARY

PATENT APPLICATION: US/10/520,901

DATE: 01/24/2005

TIME: 10:01:11

Input Set : A:\PTO.YF.txt

Output Set: N:\CRF4\01242005\J520901.raw

L:3 M:283 W: Missing Blank Line separator, <120> field identifier  
L:5 M:283 W: Missing Blank Line separator, <130> field identifier  
L:6 M:283 W: Missing Blank Line separator, <140> field identifier  
L:8 M:283 W: Missing Blank Line separator, <160> field identifier  
L:15 M:283 W: Missing Blank Line separator, <400> field identifier  
L:36 M:283 W: Missing Blank Line separator, <400> field identifier  
L:73 M:283 W: Missing Blank Line separator, <400> field identifier  
L:90 M:283 W: Missing Blank Line separator, <400> field identifier  
L:104 M:283 W: Missing Blank Line separator, <400> field identifier  
L:111 M:283 W: Missing Blank Line separator, <400> field identifier  
L:118 M:283 W: Missing Blank Line separator, <400> field identifier  
L:125 M:283 W: Missing Blank Line separator, <400> field identifier

**Atty Docket No.:** 09857/0202272-US0

**Inventor:** Toshiyoshi Fujiwara et al.

**Appln:** 10/520,901-Conf. **Filed:** Jan. 7, 2005

**Title:** ONCOLYTIC VIRUS REPLICATING SELECTIVELY  
IN TUMOR CELLS

**Documents:**

Certificate of Express Mailing Under 37 CFR 1.10 (1 pg)  
Response to Notice to File Missing parts of application (2 pp)  
Copy of Notice (2 pp)  
1 Sequence Listing Diskette  
Sequence Listing Paper Copy (4 pp)  
Sequence Listing Transmittal (2 pp)

**Via:** Express Mail: Airbill No. **441165040-us**  
**Sender Initials:** CTM/mch **Date:** June 29, 2005

*B.W. Lee*

Application No. (if known): 10/520,901

Attorney Docket No.: 09857/0202272-US0

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. \_\_\_\_\_ in an envelope addressed to:

**EV 441165040-us**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on June 29, 2005  
Date

*B.W. Lee*

Signature

*B.W. LEE*

Typed or printed name of person signing Certificate

Registration Number, if applicable \_\_\_\_\_

Telephone Number \_\_\_\_\_

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Response to Notice to File Missing Parts of Application (2 pp)  
Copy of Notice (2 pp)  
Statement Pursuant to 37 CFR 1.821(f) (2 pp)  
Paper copy of Sequence Listing (4 pp)  
1 Sequence Listing Diskette  
Return Receipt Postcard

Express Mail Label No.

Dated: \_\_\_\_\_

Docket No.: 09857/0202272-US0  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Toshiyoshi Fujiwara et al.

Application No.: 10/520,901

Filed: January 7, 2005

For: ONCOLYTIC VIRUS REPLICATING  
SELECTIVELY IN TUMOR CELLS

Confirmation No.: 2780

Art Unit: N/A

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

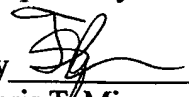
Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed May 17, 2005, Applicant respectfully submits a Sequence Listing Diskette, a Sequence Listing Paper Copy, a Statement Pursuant to 37 CFR 1.821(f), and Part 2 Copy of Notice.

The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: June 29, 2005

Respectfully submitted,

By  *Chris T. Mizumoto*  
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Registration No.: 42,899  
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P.O. Box 5257  
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Attorneys/Agents For Applicant



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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M. Hasegawa.

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/520,901	Toshiyoshi Fujiwara	09857/0202272-USO

INTERNATIONAL APPLICATION NO.
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PCT/JP03/08573

I.A. FILING DATE	PRIORITY DATE
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07/07/2003

07/08/2002

7278

DARBY &amp; DARBY P.C.

P. O. BOX 5257

NEW YORK, NY 10150-5257

DUE:

July 17, 2005

Docketed on 5/24/05 by 44 for

Docketed without file ☐

Attorney \_\_\_\_\_

CONFIRMATION NO. 2780

371 FORMALITIES LETTER



\*OC000000016039886\*

Date Mailed: 05/17/2005

12/17/05.

### NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

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 Telephone: (703) 308-9140 EXT 206



PART 1 - ATTORNEY/APPLICANT CO

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/520,901	PCT/JP03/08573	09857/0202272-US0

FORM PCT/DO/EO/922 (371 Formalities Notice)

Express Mail Label No.

Dated: \_\_\_\_\_

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Filed: January 7, 2005

Art Unit: N/A

For: ONCOLYTIC VIRUS REPLICATING  
SELECTIVELY IN TUMOR CELLS

Examiner: Not Yet Assigned

**STATEMENT PURSUANT TO 37 CFR 1.821(f)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Submitted herewith for filing in connection with the above-referenced patent application is a labeled, computer readable copy of the Sequence Listing included in the application.

The sequence information in paper copy of the Sequence Listing contained on pages 1 to 4 of said Sequence Listing, as required by 37 CFR 1.821(c), and the sequence information in computer readable form of the Sequence Listing described above, as required by 37 CFR 1.821(e), are the same as required by 37 CFR 1.821(f). No new matter is added.



00450122.TXT  
SEQUENCE LISTING

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Kyo, Satoru  
Shirakiya, Yoshiko  
Kawashima, Takeshi

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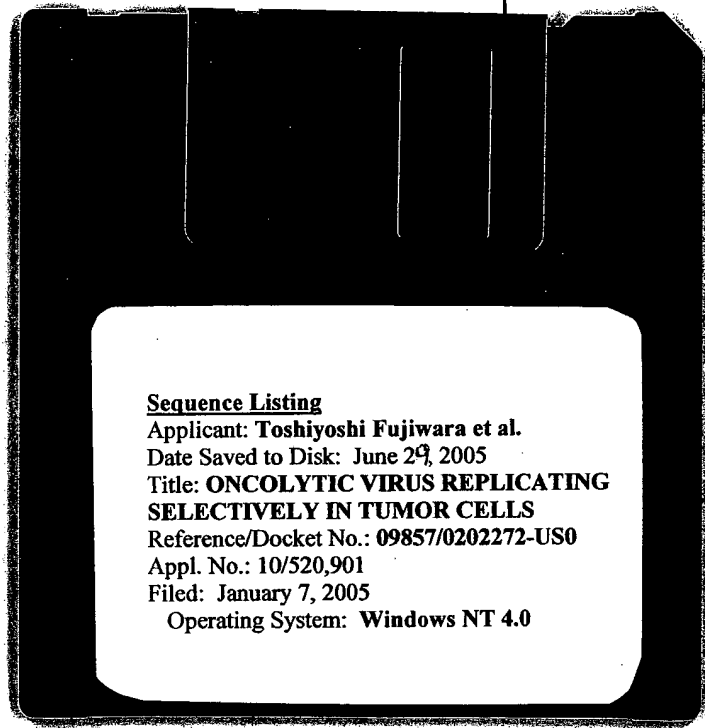
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Sequence Listing

Applicant: Toshiyoshi Fujiwara et al.

Date Saved to Disk: June 29, 2005

Title: ONCOLYTIC VIRUS REPLICATING  
SELECTIVELY IN TUMOR CELLS

Reference/Docket No.: 09857/0202272-US0

Appl. No.: 10/520,901

Filed: January 7, 2005

Operating System: Windows NT 4.0